

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

MALISHA WISE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:17-cv-10541
)	
ALPHA RECOVERY CORPORATION,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT

Plaintiff, MALISHA WISE (“Plaintiff”), through her attorney, Agruss Law Firm, LLC, alleges the following against Defendant, ALPHA RECOVERY CORPORATION (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”).
2. Count II of Plaintiff’s Complaint is based on the Michigan Occupational Code, Mich. Comp. Law 339.901 et seq. (“MOC”).

JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. §§1331, 1367, and 15 U.S.C. §1692k.
4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained within.

5. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

6. Plaintiff is a natural person residing in Warren, Macomb County, Michigan.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3) and Mich. Comp. Law § 339.901(f).
8. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5) and Mich. Comp. Law § 339.901(a).
9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Mich. Comp. Law § 339.901(b).
10. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.
11. Defendant is a collection agency located in Greenwood Village, Colorado.
12. Defendant is a business entity engaged in the collection of debt within the State of Michigan.
13. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.
14. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
15. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
16. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of

telecommunication, such as by telephone and facsimile.

17. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

18. Defendant is attempting to collect an alleged consumer debt from Plaintiff.
19. The alleged debt at issue arises from transactions for personal, family, and household purposes.
20. Within the last six (6) months, Defendant began placing collection calls to Plaintiff.
21. Defendant calls Plaintiff on her cellular telephone number ending in 6298 in an attempt to collect on the alleged debt.
22. Defendant calls Plaintiff from 313-758-6787, which is one of Defendant's telephone numbers.
23. On January 30, 2017, Plaintiff spoke with one of Defendant's collectors.
24. During the aforementioned conversation, Plaintiff requested Defendant stop calling her.
25. Despite Plaintiff's repeated requests for Defendant to stop calling her, Defendant continued to place collection calls to Plaintiff's cellular telephone.
26. On February 3, 2017, Plaintiff's attorney's office faxed a cease and desist letter to Defendant at 866-630-6881.
27. On February 3, 2017, Plaintiff's attorney's office received a confirmation that the fax succeeded.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

28. Defendant violated the FDCPA based on the following:
- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural

consequence of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt, when Defendant continued to call Plaintiff after she requested Defendant stop calling her; and

- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff, when Defendant continued to call Plaintiff after she requested Defendant stop calling her.

WHEREFORE, Plaintiff, MALISHA WISE, respectfully requests judgment be entered against Defendant, ALPHA RECOVERY CORPORATION, for the following:

29. Actual damages, pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
30. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
31. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
32. Any other relief that this Honorable Court deems appropriate.

COUNT II
DEFENDANT VIOLATED THE MICHIGAN OCCUPATIONAL CODE

33. Plaintiff repeats and re-alleges paragraphs 1-27 of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.
34. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the MOC including, but not limited to, the following:
 - a. Defendant violated §339.915(n) of the MOC by using a harassing, oppressive, or abusive method to collect a debt, including causing a telephone to ring or engaging Plaintiff in telephone conversation repeatedly, when Defendant continued to call

Plaintiff after she requested Defendant stop calling her.

WHEREFORE, Plaintiff, MALISHA WISE, respectfully requests judgment be entered against Defendant, ALPHA RECOVERY CORPORATION, for the following:

35. Actual damages pursuant to the Michigan Occupational Code, Mich. Comp. Law § 339.916(2);
36. Statutory damages of \$150.00 pursuant to the Michigan Occupational Code, Mich. Comp. Law § 339.916(2);
37. Costs and reasonable attorneys' fees pursuant to the Michigan Occupational Code, Mich. Comp. Law § 339.916(2); and
38. Any other relief that this Honorable Court deems appropriate.

DATED: February 20, 2017

RESPECTFULLY SUBMITTED,

By: /s/ Michael S. Agruss
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